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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BAUSCH HEALTH US, LLC,

Plaintiff,

v.

ECI PHARMACEUTICALS LLC,

Defendant.

Case No. 18-CV-00355-RS

**STIPULATION AND ~~PROPOSED~~
ORDER CONCERNING MODIFICATION
OF SCHEDULING ORDER**

1 Pursuant to Civil Local Rule 6-2, 7-1(a)(5), and 7-12, Defendant ECI Pharmaceuticals
2 LLC (“ECI”) and Plaintiff Bausch Health US, LLC (“Bausch”) (jointly, the “Parties”), by and
3 through their respective counsel, hereby stipulate as follows:

4 WHEREAS the following time modifications have been previously made in this case:

5 A thirty (30) day extension of time, until January 19, 2018, for Defendant to file a Rule 12
6 motion, answer, or otherwise respond to the complaint in Plaintiff’s originally-filed action against
7 Defendant and other parties (Dkt. 21; Chun Declaration in Support of Stipulation and Proposed
8 Order (“Chun Decl.”), ¶ 5);

9 A further extension of Defendant’s deadline to file a responsive pleading until twenty-one
10 (21) days after Plaintiff filed its amended complaint in this severed action, which was so Ordered
11 by the Court on January 16, 2018 (Dkt. 34; Chun Decl. ¶ 6);

12 A further extension of time permitting Plaintiff an extension of time to file its Opposition
13 to Defendant’s Rule 12 Motion filing and Defendant an extension of time to file its Reply to
14 March 27, 2018 and April 24, 2018, respectively (Dkt. 40; Chun Decl. ¶ 9);

15 A stay of the case from May 4, 2018 to July 31, 2018 pursuant to 28 U.S.C. § 1659(a)
16 pending the determination or termination of ITC Investigation No. 337-TA-1109, captioned “*In*
17 *the Matter of Certain Clidinium Bromide and Products Containing Same*” (Dkts. 70, 72; Chun
18 Decl. ¶ 11);

19 A modification of the schedule setting the deadline for the Defendant to file its Reply in
20 Support of its Motion to Dismiss for October 12, 2018 and setting a Joint Hearing on the Motion
21 to Dismiss for October 25, 2018 (Dkt. 79; Chun Decl. ¶ 12);

22 A modification of the schedule setting the deadline for Plaintiff to answer Defendant’s
23 counterclaims and further modify the scheduling order (Dkt. 102) with respect to fact and expert
24 discovery deadlines (Dkt. 136);

25 WHEREAS the Parties submitted to this Court under seal on January 9, 2020 a Joint
26 Letter Brief Regarding Certain Discovery Disputes (“Joint Letter”);

27 WHEREAS the discovery disputes raised in the Parties’ Joint Letter were referred to
28 Magistrate Judge Kandis A. Westmore on January 15, 2020 and remain pending;

WHEREAS Defendant has indicated it intends to amend its pleadings on or before February 7, 2020, pursuant to the Court's Further Case Management Scheduling Order (Dkt. 150);

WHEREAS the Parties are engaged in active settlement discussions;

WHEREAS the Parties further agree to modify the current scheduling order (Dkt. 102, as modified by Order Dkt. 136) as follows:

Event	Current Date	Proposed Date
Close of all non-expert discovery	January 31, 2020	February 28, 2020
Designation of experts in accordance with FRCP 26(a)(2)	February 14, 2020	March 13, 2020
Designation of supplemental and rebuttal experts in accordance with FRCP 26(a)(2)	March 27, 2020	April 17, 2020
Completion of all discovery of expert witnesses pursuant FRCP 26(b)(4)	May 8, 2020	No Change
Further Case Management Conference	January 16, 2020 at 10:00am	No Change
Deadline for hearing of all pretrial motions	July 2, 2020	No Change
Pretrial Conference	On or about September 2, 2020 at 10:00am	No Change
Jury Trial Commences	Beginning on or after September 28, 2020 at 9:00 am	No Change

WHEREAS the Parties believe that good cause exists for these extensions so that the parties can meet their discovery obligations, prepare for depositions, and continue settlement efforts, while leaving the existing trial date and remaining deadlines unaffected;

WHEREAS the Parties do not believe that these proposed time modifications would have any detrimental effect on the schedule for the case, or would cause prejudice to any party;

1 NOW THEREFORE, in order to effectuate the Parties' intent as set forth herein, the Parties,
2 by and through their respective counsel, stipulate to and respectfully request that the Court enter
3 an Order to extend the discovery deadlines as shown above.
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7 Dated: January 23, 2020

/s/ David S. Chun

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23 Dated: January 23, 2020

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1 ~~[PROPOSED]~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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4 Dated: 1/23, 2020.

5 
6 Honorable Richard Seeborg
7 United States District Judge
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